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Sri Lanka: Urgent action needed to ensure future of Human Rights Commission

With just days to go before the mandate of Sri Lanka's national Human Rights Commission is due to expire, Amnesty International calls for immediate action to preserve the country's key institution responsible for the protection of human rights.

"Given the serious and widespread abuses of human rights that affect Sri Lankans across the country, a fully functional, independent national human rights commission is essential," said Kavita Menon, South Asia researcher at Amnesty International. "Victims of human rights abuses in Sri Lanka have too little recourse to justice and redress as it is."

The Commission carries out investigations into cases of torture, 'disappearances', political killings and other human rights violations. It also acts to promote and protect human rights. The important work of the Commission is likely to be severely disrupted as the current term of the Commissioners ends on Monday 3 April, with no new members selected to take their place.

Outgoing Commission chairperson Radhika Coomaraswamy, who last month was appointed as the UN Special Representative for Children and Armed Conflict, has warned that without urgent action by the government, "there will be a real crisis".

Appointments to the Human Rights Commission are to be made by the President on the recommendation of the Constitutional Council, which itself lapsed in March 2005 and has not been reconstituted due to political disagreements among parliamentary parties.

"With human rights under grave threat each and every day, the government should ensure the continued functioning of the Human Rights Commission as a priority," said Kavita Menon. "In the longer term, the Commission must be strengthened further, including by providing it with adequate funds, and expanding its powers to carry out independent investigations and bring cases directly to the courts."

Background

The Human Rights Commission (HRC) of Sri Lanka was established under the Human Rights Commission Act of 1996. It started its work in 1997 as an independent statutory body to investigate reports of human rights violations. It has ten regional offices and five commissioners.

The HRC set up a Torture Prevention and Monitoring Unit in 2004 and a Database on

Disappearances Unit in January 2005. On 5 January 2006 the HRC appointed a team headed by a Special Rapporteur to advise the HRC on the measures to protect the human rights of civilians in the context of the use of emergency powers and of alleged violations of the ceasefire agreement between the government and the Liberation Tigers of Tamil Eelam.

The Constitutional Council is to consist of the Prime Minister, the Speaker of the Parliament, the Leader of the Opposition in Parliament, and seven other appointees who are to be “persons of eminence and integrity who have distinguished themselves in public life and who are not members of any political party.” Its prime function is to appoint members of various statutory commissions such as the Human Rights Commission, the National Police Commission, the Election Commission, and the Permanent Commission to Investigate Allegations of Bribery or Corruption.

Two writs lodged with the Sri Lankan Court of Appeal on 10 February seeking the reconstitution of the Constitutional Council are still pending.

Amnesty International has compiled a number of recommendations for National Human Rights Institutions which can be found in the document *Amnesty International's recommendations on National Human Rights Institutions* at <http://web.amnesty.org/library/index/engior400072001>.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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